

[7 March, 2007]

RAJYA SABHA

Court directive on police reforms and draft a model Police Act by march, 31 this year and agreed to bring a legislation during the Budget Session of Parliament to finalize the Police Reforms Act;

(b) if so, what are the main details agreed and incorporated in the proposed legislation; and

(c) whether this decision has been communicated to the Supreme Court?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): (a) to (c) A meeting was held under the chairmanship of Union Home Secretary on 1.2.2007 in which Chief Secretaries and Administrators etc. of Union Territories were present to discuss the compliance of directions of Supreme Court given on 22.9.2006 and 11.1.2007 in WP (C) No. 310 of 1996 titled Prakash Singh and other Vs. Union of India and others and framing of Model Police Act for UTs. Keeping in view the difficulties expressed by the participants in the meeting, it was decided that an Application for Directions be filed in Hon'ble Supreme Court listing out the difficulties in implementation of the directions of Hon'ble Supreme Court. Accordingly, the Application for directions has been filed to inform Hon'ble Supreme Court; *inter-alia*, that Ministry of Home Affairs is in the process of drafting Police Bill in consultation and co-ordination with other concerned central Ministries with a view to introducing a legislation in Parliament for enacting a Police Act for the UTs after completing all formalities required for this purpose before introduction of the Bill.

#### **Meeting of Chief Ministers regarding Police Act**

945. SHRIMATI N.P. DURGA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that there was a meeting with the Chief Ministers of States on 30th December, 2006 in connection with replacing the existing Police Act, 1861 with a new one in pursuance of the judgement of the Supreme Court; and

(b) if so, what is the outcome of the meeting?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI SHRIPRAKASH JAISWAL): (a) Yes, Sir.

(b) There was general consensus on the need to frame a new police law for contemporary needs. However, police being a state subject, the State Governments were advised to devise their own approach while considering the Model Police Act drafted by Dr. Soli Sorabjee Committee, which had been constituted by the Central Government in September, 2005.

### **Confidence generation among witnesses**

946. SHRI VIJAY J. DARDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that in the recent convictions in high-profile cases like Priyadarshani mattoo and Jessica Lal decided in November and December, 2006 by the Delhi High Court, the importance of witness statements in bringing the guilty to book has been the main determinant factor; and

(b) if so, whether Government, in consultation with the Judiciary, are launching any drive to build greater confidence in the mind of witnesses and provide them with enough reasons to make them not end up ruing their decision to assist the courts, and also there being no doubt in their mind about retribution if they do turn hostile?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI S. REGUPATHY): (a) to (b) The Code of Criminal Procedure (Amendment) Bill, 2006 which was introduced in the Rajya Sabha on 23rd August, 2006 has, *inter alia*, proposals to introduce measures to prevent the evil of witness turning hostile. It is proposed in the Bill to insert new sections 164B and 344A in the Code of Criminal procedure, 1973 to provide that the statements of all persons which appear to be material and essential for proper investigation of the case relating to offences punishable with death or imprisonment for ten years or more shall be recorded on oath by Magistrate who will also satisfy himself that such person is making the statement voluntarily and not under any inducement, threat or promise. Also, it has been proposed to enhance the punishment for perjury after the summary trial.